

Landscape and Visual Clarification Note

Land at Patshull Road, Albrighton

On behalf of Boningale Homes

Date: 13/08/2024 | Pegasus Ref: P24-0225

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Document Management.

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1. Introduction

- 1.1. ESP Ltd (on behalf of Shropshire Council) undertook a review in August 2024 of the Pegasus Group LVIA for the mixed use development on land at Patshull Road, Albrighton (Application 24/02108/OUT).
- 1.2. This Clarification Note responds to the ESP Ltd review and has been prepared by the co-author of the original Pegasus Group LVIA. The author is a Chartered Landscape Architect with over 25 years' experience of similar developments, and regularly acts as a landscape expert witness on behalf of both developers and local planning authorities.

2. Response to comments

- 2.1. The following table sets out the response to the key comments made by ESP Ltd. on behalf of Shropshire Council dated August 2024.

Shropshire Council comment	Pegasus response	Action
4.1: List of documents reviewed listed. 7.1: No mention made of EES	The submitted Environmental Enhancement Strategy (EES) appears to have been ignored by ESP Ltd.	Council to review EES and confirm if any changes to the response later in the report re. landscape planning policies is required.
5.6 and 6.18: The project doesn't account for the construction phase.	As outlined at paragraph 1.6 of the LVIA the operational stage at Year 1 and Year 15 only are assessed and it is noted that <i>"the construction phase is short and temporary in duration"</i> . As the planning application is outline only it is anticipated that details of the phasing of the proposed development and measures to minimise landscape and visual effects during the construction phase, would be contained within a Construction Environmental Management Plan (CEMP) that would be conditioned and form part of a reserved matters application should planning consent be granted. Likely construction phase landscape and visual effects are predicted to be no greater than Year 1 operational effects and consequently the worst case landscape and visual effects have already been assessed.	Further landscape and visual input into a Construction Environmental Management Plan (CEMP) would be provided as part of a reserved matters application in order to ensure that construction phase landscape and visual effects are minimised and may include the provision of temporary soil bunds, hoarding. Trees and vegetation to be retained would be protected in accordance with BS 5837 as outlined in the separate Arboricultural Assessment already submitted.
6.1 and 6.9: The study area has not been defined for the landscape or visual assessment.	As stated at paragraph 1.7 of the LVIA: <i>"A preliminary 2km radii study area has been initially identified to review the baseline condition and planning policies that may be relevant to the proposed development. This study area captures the nearby settlements and publicly accessible locations that may offer views of or towards the Site."</i>	No further clarification required.

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6.8: The landscape assessment results are not robust at present, and the assessment should be expanded to include construction and completion (Year 1 and 15).	Comments on construction phase effects are outlined above. In terms of the Year 1/Year 15 landscape assessment it is only appropriate to assess at Year 1 or Year 15 when there is likely to be a change between these periods i.e. from the growth of mitigation planting. In terms of the landscape elements assessed, land cover, topography and water features changes are permanent, and the same degree of effect recorded at Year 1 and Year 15. The differences resulting from the removal of existing trees and hedgerows are highlighted in the LVIA (paragraph 4.11) which essentially covers the 'Year 1' period as any new planting would be so immature at that stage as to provide no effective mitigation for the losses removed during the construction phase. The new planting is then reported at paragraph 4.12 and the effect following growth of the planting, which essentially covers the Year 15 period and beyond is reported at paragraph 4.13 for trees and paragraph 4.14 for hedgerows. The introduction of public access to the site, where currently there is none is also recorded at paragraphs 4.16 and 4.17.	Clarification is provided and no new assessment required.
6.13 An alternative to representative Viewpoint 6, approximately 150m to the north is identified. Grid Ref: SJ807034	Reference to paragraph 6.3 of the LVIA clarifies the assessment of private views: <i>"Residential views have been assessed as part of the settlement edge where public access is available, however an individual assessment of the impact upon the views of all individual scattered dwellings with potential views of the Proposed Development does not form part of the scope of this assessment. It should be noted that it is an established planning principle that there is 'no private right to a view', and consequently if suitable privacy distances between existing properties and Proposed Development are maintained, the impact upon any private views of new built development should not be a valid consideration in the determination of the planning application."</i> As advised by the recent Landscape Institute publication: Notes and Clarifications on Aspects of Guidelines for Landscape and Visual Impact Assessment Third edition (GLVIA3) (LITGN-2024-01) at 6(4) where a query is raised in relation to assigning value to views in residential areas. <i>"Views from houses and individual properties are a matter of private amenity, noting that it</i>	Clarification is provided and no alternative representative viewpoint is required. The Council have not requested a residential visual amenity assessment.

Shropshire Council comment	Pegasus response	Action
	<i>is an established planning principle that there is no right to a view. Where required, a residential visual amenity assessment (RVAA) should consider effects on private amenity for people in their homes and gardens in more detail (as set out in Technical Guidance Note 2/19 Residential Visual Amenity Assessment)."</i>	
6.14: An additional viewpoint on Cross Road adjacent to the residential property 'The Sheiling' [Grid Ref: SJ804034]	See explanation above.	Clarification is provided and no alternative representative viewpoint is required. The Council have not requested a residential visual amenity assessment.
6.15: Concerns that magnitude of change not being applied consistently between viewpoints e.g. between Viewpoints 1 and 2.	As advised by the recent Landscape Institute publication: Notes and Clarifications on Aspects of Guidelines for Landscape and Visual Impact Assessment Third edition (GLVIA3) (LITGN-2024-01) at 6(7) where a query is raised in relation to assessing viewpoints or visual receptors. <i>'The focus of the visual assessment should be the visual receptors (i.e. the people as set out within Para 6.31. of GLVIA3). The purpose of viewpoints is covered at Para 6.19 (i.e. for illustration of the visual effects). No precise approach to visual assessment is set out in GLVIA3 – it is up to the assessor to select the most appropriate approach and ensure that issues that are important to the planning decision are assessed and reported.'</i> In line with the approach advised by the Landscape Institute, individual viewpoints are not assessed, the receptors are assessed. This is particularly important when many viewpoints do not represent locations that would ever be experienced in isolation e.g. along a road corridor. Returning to the Council's concern on Viewpoints 1 and 2. The assessment of magnitude for the settlement of Albrighton, accounts for the fleeting nature of public views from Viewpoint 1 that would be experienced from a footway and across a mini-roundabout junction.	Clarification is provided and no alternative assessment is required.
6.16 Direction of view not provided in accordance with TGN 06/19	TGN 06/19 published by the Landscape Institute is currently under review. The direction of view varies, particularly across panorama covering 180 degrees. The grid coordinates of the tripod/camera, combined with annotation of the Site and features in the view should enable the reader to easily	No action required.

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	understand the location and context of the views presented.	
5.8 and 6.19 Absence of cumulative methodology and impact assessment	The Council acknowledge this is not required for non-EIA development.	No action required.
7.2: Reinforcement of roadside hedge adjacent to No. 3 Patshull Road required.	Patshull Road dwellings beyond the settlement boundary have not been assessed as receptors, noting that the Council have not requested a Residential Visual Amenity Assessment. As stated in the recent Landscape Institute publication: Notes and Clarifications on Aspects of Guidelines for Landscape and Visual Impact Assessment Third edition (GLVIA3) (LITGN-2024-01) at 6(4). Reinforcement of the hedgerow currently shown south of Patshull Road could be extended north and would be shown in more detail as part of any reserved matters submission.	No action currently required. Additional opportunities for planting can be investigated as part of the detailed landscape proposals to discharge reserved matters, should planning permission be granted.
7.3: Further details required to expand on the Illustrative Landscape Masterplan including plant species, sizes, numbers and densities etc.	Agreed.	No action currently required. Further details comprising detailed landscape proposals would be provided to discharge reserved matters, should planning permission be granted.
8.1: Policy CS5 Countryside and the Green Belt – the Council state: The assessment of landscape and visual effects fails to demonstrate that the unacceptable adverse environmental impacts will be adequately mitigated in land designated as Green Belt.	It is unclear if this is an in-principle objection to development on the Site because it is in the Green Belt or what additional mitigation measures would be needed to make the 'unacceptable environmental' impacts acceptable.	Council to provide further clarification.
8.1: Policy CS6 – the Council state that: Further detail on landscape strategy is required to comply with Policy CS6.	Further details comprising detailed landscape proposals would be provided to discharge reserved matters, should planning permission be granted.	No action currently required.
8.1: Policy CS17 Environmental Networks – the Council state: The assessment of landscape and visual effects fails to demonstrate that the unacceptable adverse	It is unclear if this is an in-principle objection to development on the Site or what additional mitigation measures would be needed at outline application stage to make the 'unacceptable environmental' impacts acceptable.	Council to provide further clarification.

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environmental impacts will be adequately mitigated		
Policy MD2: Sustainable Design and Policy MD12 The Natural Environment. Further detail on landscape and visual effects is required to comply with Policy MD2	It is unclear why further information on construction stage effects would be needed at this outline application stage to inform these policies. Further details comprising detailed landscape proposals would be provided to discharge reserved matters, should planning permission be granted.	Council to provide further clarification.
9.5: The Green Belt Assessment is strongly predicted on the findings of the LVIA, notably its assessment of visual effects, and will have to be updated to reflect any amendments accordingly	No updates to LVIA required.	No further action required.

Town & Country Planning Act 1990 (as amended)
Planning and Compulsory Purchase Act 2004

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